

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes since the color of the tomatoes was not of the strength and redness required by the standard, and the article was not labeled as substandard as required by the regulations.

**DISPOSITION:** December 16, 1949. Default decree of condemnation. The court ordered that the product be delivered to a public institution for its use and not for sale.

**15444. Adulteration of tomato puree. U. S. v. 79 Cases \* \* \*. (F. D. C. No. 28051. Sample No. 62653-K.)**

**LIBEL FILED:** On or about October 20, 1949, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about August 10, 1949, by James Ferrera & Sons, Inc., from Boston, Mass.

**PRODUCT:** 79 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Providence, R. I.

**LABEL, IN PART:** (Can) "Valley Brand Tomato Puree \* \* \* Packed By Del Paso Canning Co., North Sacramento California."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical composition, and it was otherwise unfit for food by reason of its metallic flavor.

**DISPOSITION:** November 30, 1949. Default decree of condemnation and destruction.

**15445. Adulteration of tomato puree. U. S. v. 77 Cases \* \* \*. (F. D. C. No. 28060. Sample No. 62615-K.)**

**LIBEL FILED:** October 18, 1949, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about October 21, 1948, from Sacramento, Calif.

**PRODUCT:** 77 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Boston, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical decomposition, and it was otherwise unfit for food by reason of its metallic flavor. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 28, 1949. Default decree of condemnation and destruction.

**15446. Adulteration of tomato puree. U. S. v. 49 Cases \* \* \*. (F. D. C. No. 26916. Sample No. 51621-K.)**

**LIBEL FILED:** April 5, 1949, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about March 15, 1949, by the Morgan Packing Co., from Austin, Ind.

**PRODUCT:** 49 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Louisville, Ky.

**LABEL, IN PART:** "Scott Co. Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 17, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

### SPICES, FLAVORS, AND SEASONING MATERIALS

15447. Adulteration of prepared mustard and imitation prepared mustard. U. S. v. Russell Products Co. Plea of guilty. Fine, \$200. (F. D. C. No. 28172. Sample Nos. 49455-K, 53308-K to 53310-K, incl.)

INFORMATION FILED: October 31, 1949, Western District of Oklahoma, against the Russell Products Co., a corporation, Oklahoma City, Oklahoma.

ALLEGED SHIPMENT: On or about May 2 and 13 and June 2, 1949, from the State of Oklahoma into the State of Texas.

LABEL, IN PART: "Russell's Best Quality Pure Prepared Mustard Russell Products Co.," "White Swan \* \* \* Prepared Pure Mustard Distributed by Waples-Platter Co. Fort Worth, Texas," and "Concho Prepared Imitation Mustard \* \* \* Distributed by Waples-Platter Company Fort Worth, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: November 18, 1949. A plea of guilty having been entered, the court imposed a fine of \$200.

15448. Adulteration of yellow mustard seed. U. S. v. 94 Bags \* \* \*. (F. D. C. No. 27458. Sample No. 55627-K.)

LIBEL FILED: July 8, 1949, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about November 22, 1948, from Spokane, Wash.

PRODUCT: 94 100-pound bags of yellow mustard seed at Oklahoma City, Okla., in possession of the Russell Products Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 16, 1949. Default decree of condemnation and destruction.

15449. Adulteration of sesame seed and apricot kernels. U. S. v. 1 Carton, etc. (F. D. C. No. 27827. Sample Nos. 56624-K, 56625-K.)

LIBEL FILED: September 12, 1949, Southern District of New York.

ALLEGED SHIPMENT: The articles were imported at New York, N. Y., on or about May 18 and June 25, 1949.

PRODUCT: 1 60-pound carton and 1 90-pound bag of sesame seed and 18 60-pound cases of apricot kernels at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The